THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.2701 OF 2006

DATED:06.04.2006

Between:

M/s. Jayasree Anand Enterprises, Hyderabad, represented by its Managing partner P.Anand Rao ..Petitioner

And

State of Andhra Pradesh, represented by Secretry, Revenue Department, Hyderabad. and others .. Respondents

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ORDER:

The petitioner Firm entered into a Sale Agreement-cum-General Power of Attorney with Namballa Narayana Murthy of Visakhapatnam,

on 11.09.1997 in respect of land admeasuring Acs.2.00 comprised in survey No.9/6 situated at Kapparada Village in Visakhapatnam District. After parting with sale consideration, the document was submitted before the third respondent for registration. The same was not registered. The third respondent referred the document to the second respondent for an enquiry, who answered the reference directing the petitioner to pay a stamp duty of Rs.6,74,080/- plus fees of Rs.42,130/-. Assailing the said order, dated 07.12.1998, the petitioner filed a writ petition, being W.P.No.8660 of 1990. The same was dismissed by this Court on 21.04.1999 giving liberty to the petitioner to file an appeal under Section 47-A (4) of the Indian Stamp Act, 1899. Thereafter, the petitioner filed C.M.A.No.2 of 2000 on the file of the Court of the Principal Senior Civil Judge, Visakhapatnam. The same was dismissed. Therefore, the petitioner paid the stamp duty determined by the second respondent by proceedings, dated 07.12.1998, in a sum of Rs.7,16,210/-. Even thereafter, the document was not registered. The petitioner, therefore, filed the instant Writ Petition seeking a direction to the respondents to register the document No.P 883/97.

The matter is coming up 'for admission' since 14.02.2006 to enable the learned Assistant Government Pleader for Revenue (General) to get instructions in the matter. After getting instructions, a counter-affidavit is filed raising various objections. It is not necessary to go into these objections at this stage, as respondents 2 and 3 have not informed the petitioner so far, as to why the document presented by it was not registered. Therefore, two weeks time is granted to the third respondent to take necessary action in considering the document submitted by the petitioner for registration in accordance with Sections 71, 72 and 77 of the Registration Act, 1908. The petitioner may approach the third respondent for registration or for obtaining the reasons for non-registration.

The Writ Petition, with the above observation, is accordingly disposed of. No costs.

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(V.V.S.RAO, J)

GJ